IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 7TH AUGUST 2007 / 16TH SRAVANA 1929

Bail Appl..No. 4758 of 2007()

CP.55/2007 of J.M.F.C.,TALIPARAMBA
CRIME NO.3/2006 OF SREEKANDAPURAM EXCISE RANGE

.....

PETITIONER/ACCUSED:

JANAKI, W/O. RAGHAVAN,
AGED 43 YEARS, VATHILMADA, PAYYAVOOR AMSOM,DESOM,
TALIPARAMBA TALUK, KANNUR DISTRICT.

BY ADV. SRI.V.A.SATHEESH
SRI.V.T.MADHAVANUNNI

RESPONDENTS: COMPLAINANT:

THE EXCISE INSPECTOR,
SREEKANDAPURAM EXCISE RANGE OFFICE, KANNUR DIST.
(CRIME NO.3/2006 OF SREEKANDAPURAM EXCISE RANGE
OFFICE, KANNUR DISTRICT), REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.4758 of 2007

Dated this the 7th day of August 2007

O R D E R

Application for anticipatory bail. The petitioner, a woman, faces allegations under the Kerala Abkari Act. She was allegedly found to be in possession of 10 litres of wash. Though she was intercepted, she could not be arrested and taken into custody as the detecting party did not consist of any woman official. Investigation is complete. Final report has already been filed. The petitioner apprehends arrest in execution of coercive processes issued by the learned Magistrate.

2. The application is opposed. I find absolutely no reason justifying the invocation of the discretion under Section 438 Cr.P.C. It is for the petitioner to appear before the learned Magistrate and then seek regular bail in the ordinary course.

3. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously on the date of surrender itself.

(R.BASANT, JUDGE)

jsr

// True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007